## EXHIBIT M

## NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY VIDEOTAPED DEPOSITION OF JEAN ATKINSON on 03/10/2015

Page 1

1	UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS
2	FOR IME DISTRICT OF MASSACHUSETTS
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5	IN RE: NEW ENGLAND COMPOUNDING PHARMACY,
6	INC. PRODUCTS LIABILITY MDL No. 2419 LITIGATION
7	Master Dkt: 1:13-md-02419-RWZ
8	THIS DOCUMENT RELATES
9	TO:
10	All Actions
11	
12	~~~~~~~~~~~~~~~~~
13	
14	VIDEOTAPED DEPOSITION OF JEAN ATKINSON
15	
16	9:04 a.m. March 10, 2015
17	
18	Suite 1100
19	315 Deaderick Street Nashville, Tennessee
20	
21	Blanche J. Dugas, RPR, CCR No. B-2290
22	
23	
24	
25	



1	Q.	Have you gone by any other names during
2	your life?	
3	A.	No.
4	Q.	Is there any reason why you can't testify
5	truthfully	and accurately today? For example, have
6	you taken a	any medicine that may impact your memory or
7	impulse or	anything of that nature today?
8	A.	No.
9	Q.	Okay. Have you consumed any any alcohol
10	or drugs or	r anything else that may affect your ability
11	to answer o	questions?
12	A.	No.
13	Q.	Okay. Thank you. Did you do anything to
14	prepare for	this deposition today?
15	A.	I just met with the lawyers of the case,
16	our lawyers	3.
17	Q.	Who did you meet with specifically?
18	A.	C.J., Chris and Matt and Mr. Parks.
19	Q.	Was that just one meeting?
20	A.	Three, I think.
21	Q.	Three. Did you meet with anyone besides
22	your attor	neys to prepare for this deposition? Anyone
23	at Special	ty Surgery or anyone else?
24	A.	No.
25	Q.	Did you review any documents in preparation
	1	



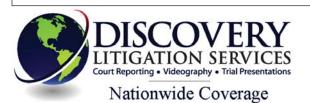
1	for this deposition?	
2	A. Yes.	
3	Q. Were these documents all given to you by	
4	your attorney?	
5	A. Yes.	
6	Q. Did you review any documents on your own in	
7	preparation for this deposition?	
8	A. Yes.	
9	Q. Okay. What documents did you review on	
10	your own for this deposition?	
11	A. Well, I guess it's the same ones that I was	
12	given to by the lawyers, the copies that was given to	
13	everybody.	
14	Q. When were they given to everyone?	
15	A. When just randomly over the last few	
16	months when the procedures occurred. All the all	
17	documents that I reviewed was given to the lawyers.	
18	Q. Okay. Can you give me just examples of	
19	what these documents were. Are these, like, order	
20	forms from NECC?	
21	A. Yes.	
22	Q. Okay. What other things? Were they your	
23	notes?	
24	A. All the notes that I took and everything	
25	was given to my lawyers.	



1	Q. Okay. Did you review those to prepare for
2	the deposition today?
3	A. Yes.
4	Q. Okay. Is there anything else that you
5	looked at to prepare for this deposition on your own?
6	A. No.
7	Q. Okay. Did you have any phone calls to
8	prepare for this deposition with someone besides your
9	attorneys?
10	A. No.
11	Q. Did you review any deposition transcripts
12	in preparing for this deposition?
13	A. I don't know deposition my
14	Q. Any transcripts of any question-and-answer
15	sessions between lawyers and a witness.
16	A. I just reviewed the stuff that my lawyers
17	give me.
18	Q. Okay. Was there a transcript of any
19	interviews in there that you were that you
20	reviewed?
21	A. I'm not real sure what you're saying by
22	transcripts.
23	Q. Like a typed-up thing that would have like
24	a questioner that would ask questions of someone and
25	they would answer and it would be typed out similar to



1	what the co	ourt reporter is doing today.
2	A.	Yes.
3	Q.	Whose depositions were those?
4	A.	The ones I reviewed was my
5	Q.	Your previous one?
6	A.	Just the previous questions that was asked.
7	Q.	So were these the questions that were asked
8	yesterday?	
9	A.	No.
10	Q.	Okay. Who was the witness in those
11	deposition	transcripts?
12	A.	I don't think it was the deposition. It
13	was just wh	nen I met with our lawyers and they asked
14	questions.	It was no deposition.
15	Q.	Okay. Okay. Fair enough. Ms. Atkinson,
16	do you have	e a criminal record?
17	A.	No.
18	Q.	Have you ever been charged with a crime?
19	A.	No.
20	Q.	Have you ever been involved in any
21	governmenta	al investigations?
22	A.	No.
23	Q.	I'm going to hand you what has been
24	represented	d to me to be your CV.
25		MR. STRANCH: I think this is
- 1		



1	Exhibit 99. Is that correct?
2	MR. GASTEL: There's a 98, I think.
3	MR. STRANCH: There's a 98 on another
4	one?
5	MR. DREW: Her CV was already entered
6	as an exhibit.
7	MR. STRANCH: No. Not hers. That
8	was Listers. This is Atkinson's CV.
9	MR. CHALOS: It was passed out. The
10	exhibit was only Dr. Lister's.
11	(Exhibit 98 was marked for
12	identification.)
13	Q. (By Mr. Stranch) Take a look at that and
14	tell me if you recognize that document.
15	MR. REHNQUIST: This is 98, Gerard?
16	MR. STRANCH: Yes, that's correct.
17	I'm marking it 98. I assume that means it
18	is.
19	MR. REHNQUIST: It is now.
20	THE WITNESS: The only thing that has
21	changed on this in 2009, the Calishers &
22	Associates took over the management of the
23	Specialty Surgery Center. So from 2009 on,
24	where it says Specialty Surgery Center
25	Q. (By Mr. Stranch) Yes.



1	A I did not maintain policy and procedure.
2	That was Calishers.
3	Q. To present or to
4	A. Since 2009 till present.
5	Q. So they're still doing the policy and
6	procedures for y'all?
7	A. No, until the center the ownership of
8	the center was dissolved in 2013. So from 2009 till
9	around June, I guess, 2013, the manager the
10	Calishers maintained policy and procedure, they did
11	employee payroll, payments to vendors. Otherwise,
12	it's correct.
13	Q. Did they do selection of vendors as well?
14	A. Yes.
15	Q. Before we get into the Calishers, I want to
16	just ask you some questions on your resumé. I assume
17	this is your resumé
18	A. Yes.
19	Q you do recognize it?
20	A. Yes.
21	MR. GIDEON: Jean, you're going to
22	have to let him finish his question before
23	you start to answer.
24	THE WITNESS: Okay.
25	MR. GIDEON: I know you think he's



1	O Ober Co if it was almoster in the senten
Τ.	Q. Okay. So if it was already in the center,
2	it was your job to make sure there was enough in the
3	drawer to keep doing the procedures; correct?
4	A. Correct.
5	Q. And if a doctor and if there was a new
6	medicine, then that doctor would have to come to you
7	and say, "I'd like you to start ordering X instead of
8	Y," or a different type of medicine. Is that how that
9	would work?
10	A. Yes.
11	Q. And was that the way that it worked up
12	until 2009 when Calisher was hired?
13	A. That
14	Q. The ordering of medicine. The procedures
15	we just went through where you would just check once a
16	week to see what was low and then order more as
17	needed, and then if something new was wanted, then the
18	doctor would come to you and ask for it. Was that the
19	procedure that was followed up until Calisher was
20	hired?
21	A. Yes. All medications up to Calishers was
22	hired was approved by the physician that needed the

Okay. During this time, how many

compounding pharmaceutical companies were you ordering



medication.

Q.

23

24

1	from?	
2	A.	None.
3	Q.	Were you only were you only ordering
4	during this	time through FDA approved pharmacy FDA
5	approved an	d overseen pharmaceutical companies?
6	A.	Yes.
7	Q.	Okay. Were any additional job
8	responsibil	ities put on you after 2001 when you became
9	the directo	r of nursing, or did those responsibilities
10	stay pretty	consistent through the end of your tenure
11	with Specia	lty Surgery?
12	A.	Say that again.
13	Q.	Okay. So you've listed your job
14	responsibil	ities in 2001 when you became director of
15	nursing.	
16	A.	Uh-huh (affirmative).
17	Q.	Was there a time after that in which you
18	either rece	eived more job responsibilities or were any
19	job respons	ibilities taken away from you?
20	A.	No.
21	Q.	We discussed that in 2009 when Calisher was
22	hired certa	in responsibilities were taken off of you.
23	A.	Yes.
24	Q.	That's the maintain policy and procedures,

employee payroll, payments to vendor, overseeing



	correct?	
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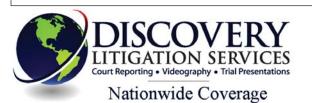
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- A. The only difference is it doesn't have a preservative in it.
  - Q. But that's a difference, isn't it?
- 5 A. That's a difference. It's still the same drug.
  - Q. So did you go to Calister [sic] before ordering MPA from NECC?
    - A. Yes.
  - Q. And why did you go to Calisher before ordering MPA?
- 12 A. It was a new vendor and they had asked for 13 patient names.
  - Q. So what was it that triggered your review by Calister? Was it because there was a new vendor or was it -- was that solely the reason why?
  - A. Like I said, it was a new vendor and NEC had asked for patient names.
  - Q. Okay. And what about asking for patient names triggered a warning in your head?
  - A. I had never been asked for patient names by another vendor.
  - Q. Okay. And if Calister had told you when you contacted them about NECC being a new vendor and the patient names, if they had said, no, don't order



1	from them, would you have ordered from NECC?
2	A. No, sir.
3	Q. So even if NECC hadn't asked you for the
4	new names, if Calister had said, "We've done our due
5	diligence and we don't think you should order from
6	them, " you would not have ordered from them; correct?
7	A. No.
8	Q. And Calisher must approve all new vendors;
9	correct?
10	A. Correct.
11	Q. Did you rely upon Calisher to do due
12	diligence into whether NECC was a reputable supplier?
13	A. Say that
14	Q. Did you rely upon Calisher to do due
15	diligence to determine whether NECC was a reputable
16	supplier?
17	A. I'm still not getting your question. I'm
18	sorry.
19	Q. Let me try by making a little bit of a
20	statement and maybe that'll help explain
21	A. Okay.
22	Q what I'm doing.
23	In doing procurement, no matter what,
24	there's some vendors that are reliable
25	A. Uh-huh (affirmative).



pharmacy company U.S. Compounding come through and I 1 2 discussed with them. 3 When -- so you were looking at two separate 0. 4 compounding pharmacy companies --5 Α. No. 6 0. -- at the same time? I was looking -- NECC had give me the 7 Α. 8 information. U.S. Compounding just come through that 9 day to leave a card so... 10 And so any further investigation Q. 11 beyond what you detailed here would have been done by 12 the Calishers; correct? 13 Α. Yes. 14 So you didn't look into whether NECC had 0. 15 had any regulatory actions taken against them because 16 of previous problems, did you? 17 Α. No. 18 You didn't look into whether NECC had a 0. 19 prior history of producing contaminated products? 20 Α. No. 21 You didn't go to any federal or state 0. 22 agencies to determine whether they had any complaints 23 or taken any actions against NECC, did you? 24 Α. No.

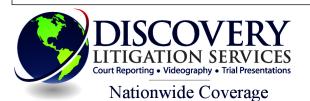


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And did you rely upon the Calishers

1	Q.	And during the times in which you ordered
2	with f	rom CuraScript and Besse, I understand there
3	were some	occasions when the Depo-Medrol was on
4	backorder	; is that correct?
5	A.	Yes.
6	Q.	Did you eventually receive the Depo-Medrol
7	that you	ordered each time?
8	A.	Yes.
9	Q.	Were any surgical procedures canceled as a
10	result of	not having sufficient supply of Depo-Medrol
11	during th	is time?
12	A.	Not that I can recall.
13	Q.	So what was the third it was CuraScript,
14	Besse, an	d what was the third pharmaceutical company?
15	A.	Physician Sales. We never ordered from
16	those. I	t was just a company that Calishers had asked
17	me to con	tact.
18	Q.	Okay. Is that company also known as PSS?
19	A.	I think so.
20	Q.	And why did you never place an order with
21	PSS?	
22	A.	They didn't have the preservative-free
23	Depo-Medr	ol.
24	Q.	And that was the only reason you were going
25	to do bus	iness with them was the preservative-free



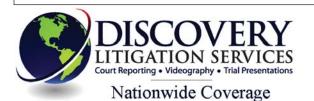
1	Depo-Medrol?
2	A. Yes.
3	(Exhibit 99 was marked for
4	identification.)
5	Q. (By Mr. Stranch) I'm going to hand you a
6	document that I'm going to mark as Exhibit 99. I
7	believe it will be Exhibit 99. This is a collection
8	of documents. I'd ask that you scan through this
9	quickly and tell me if you recognize this collection
10	of documents.
11	MR. GIDEON: Irrespective of him
12	saying go through it quickly, take your
13	time to recognize what you're looking at.
14	MR. GASTEL: They're the CuraScript
15	orders organized chronologically from 2011
16	through 2012. So the Bates numbers are not
17	sequential, but the chronology is correct.
18	MR. REHNQUIST: Ben, I'm sorry, can
19	you repeat that.
20	MR. GASTEL: So the exhibit is a
21	collective exhibit of the CuraScript order
22	invoices and they're organized
23	chronologically, not necessarily in the
24	numerical order of the Bates stamps.

Thank you.



MR. REHNQUIST:

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1	Q. (By Mr. Stranch) Ms. Atkinson, the
2	question that I'm going to ask you when you finish
3	your review is: Do you recognize these documents?
4	A. Okay. Yes.
5	Q. You do recognize these documents?
6	A. Yes.
7	Q. And are these the e-mail confirmations and
8	attached invoice showing what you had ordered from
9	CuraScript?
10	A. I can't remember if they're all there or
11	not, but, yes, they look like the ones that I placed.
12	Q. Whether they're all there or not, that's
13	what all these documents are; correct?
14	A. Yes.
15	Q. And you maintained these in the normal
16	course of business at Specialty Surgery?
17	A. Yes.
18	Q. Okay. And let's turn to the first page,
19	SSC-02970. It's the top page right there.
20	A. Okay.
21	Q. This is an example of an e-mail that you
22	would receive when you placed an order with
23	CuraScript; correct?
24	A. Yes.
25	Q. Okay. So the way the process would work



1	was you would log in, you would enter what you wanted
2	to order; correct?
3	A. Correct.
4	Q. And then when you completed that and sent
5	the order, they would sent you this e-mail that would
6	let you know that they received your order; correct?
7	A. Correct.
8	Q. And then attached to that e-mail would be,
9	if you turn over to the next page, SSC-02971; correct?
10	A. Yes.
11	Q. Okay. And this second page, 2971 of the
12	collective, is a confirmation of what you had ordered;
13	correct?
14	A. Yes.
15	Q. Okay. Let's turn over to SSC-02995. It's
16	kind of cut off on the copy on the bottom so maybe
17	look for 994. If you take a look at the ordered on
18	date, it's July 22nd, 2011. And these are in
19	chronological order if that helps.
20	A. July.
21	MR. REHNQUIST: What's the date of
22	the invoice, Gerard?
23	MR. STRANCH: July 22nd, 2011.
24	THE WITNESS: Okay.
25	Q. (By Mr. Stranch) Do you see the order



1	confirmation	on there?
2	A.	Yes.
3	Q.	Okay. Under Depo-Medrol, 80 milligrams/mL,
4	that's your	r order for Depo-Medrol; correct?
5	A.	Correct.
6	Q.	This is a standing order that you renewed
7	monthly, ag	oproximately once a month or so; correct?
8	A.	It varied on how our supply was with the
9	how much we	e had on hand, how much I ordered.
10	Q.	But between every three and six weeks,
11	you'd have	to place another order; correct?
12	A.	Correct.
13	Q.	Okay. And this is a value pack of 25
14	single dose	e vials; correct?
15	A.	Yes.
16	Q.	And you ordered three of those at this
17	point?	
18	A.	Yes.
19	Q.	So a total of 75 vials; correct?
20	A.	Yes.
21	Q.	Was this preservative-free Depo-Medrol?
22	A.	No.
23	Q.	And it says it's on backorder here;
24	correct?	
25	A.	Correct.



1	Q. And it says the approximate release date is
2	August 19th, 2011; correct?
3	A. Yes.
4	Q. And so what that meant was they think they
5	would be able to send it to you on approximately
6	August 19th, 2011; correct?
7	A. Correct.
8	Q. Okay. Now let's turn back to the second
9	page, 2971, second from the bottom, Diprivan. And I
10	apologize if I've butchered the pronunciations again.
11	A. Correct.
12	Q. It says backorder, four, and it says
13	approximate release currently unknown; correct?
14	A. Correct.
15	Q. When it says that, that means they're not
16	sure when they're going to be able to fulfill it;
17	correct?
18	A. Correct.
19	Q. And you previously testified that with the
20	Depo-Medrol, even if it was on backorder, you would
21	eventually receive it; correct?
22	A. Correct.
23	Q. Was there ever a time with CuraScript or
24	Besse in which you ordered Depo-Medrol that was on
25	backorder and you did not receive it?



1	A. Not that I recall.
2	Q. Okay. I'm going to hand you another
3	collection of documents here. I'm going to represent
4	to you that these are web order confirmations from
5	Besse Medical and ask that you take a look at these.
6	I'm going to mark these as Exhibit 100 and I'll be
7	asking you the same questions that I did at the start
8	of the CuraScript ones, whether you recognize and
9	whether these are maintained in the normal course of
10	business and whatnot.
11	(Exhibit 100 was marked for
12	identification.)
13	MR. GASTEL: And the same thing on
14	these, they're not numerical order by Bates
15	stamped. They're chronological by date.
16	THE WITNESS: Okay.
17	Q. (By Mr. Stranch) Okay. Do you recognize
18	these documents?
19	A. Yes.
20	Q. Are these the web order confirmations from
21	Besse Medical?
22	A. They appear so.
23	Q. Well, let's look at SSC-02701. Is this an
24	example of a web order confirmation from Besse
25	Medical? That's the first document.



1	A.	Yes.
2	Q.	Okay. And are these documents that you
3	maintained	in the normal course of business at
4	Specialty S	Surgery?
5	A.	Yes.
6	Q.	Okay. And these reflect what you had
7	ordered thi	rough a web portal at Besse Medical;
8	correct?	
9	A.	Yes.
10	Q.	And so on this first one, it shows
11	Depo-Medro	1 80 milligrams/mL, 25 times one milliliter,
12	two pack.	So you're ordering 50 single dose vials of
13	Depo-Medro	l; correct?
14	A.	Yes.
15	Q.	Okay. And why would you order from Besse
16	Medical or	CuraScript? Would you play one against the
17	other on p	rice?
18	A.	No. If I ordered from one, like
19	CuraScript	, it was on backorder, then I would go to
20	Besse.	
21	Q.	Okay. And did you ask Besse or CuraScript
22	whether the	ey could supply Depo-Medrol
23	preservativ	ve-free at any point?
24	A.	Yes.
25	Q.	And what did they say?



1	A. No.
2	Q. Did they say no because they couldn't get a
3	supply or did they say no because they don't believe
4	it existed?
5	A. I don't recall.
6	Q. Are you aware that Pfizer manufactures a
7	preservative-free Depo-Medrol?
8	A. Not to my knowledge.
9	Q. Did you order Depo-Medrol from any entities
10	other than Besse Medical, CuraScript or CuraScript?
11	A. No.
12	Q. Did you price out Depo-Medrol from any
13	entities other than Besse Medical or CuraScript?
14	A. No.
15	Q. And for preservative-free MPA, you only
16	consulted with NECC about purchasing that; correct?
17	A. Correct.
18	Q. Did you ask Calisher for a list of vendors
19	that you should contact to find preservative-free
20	Depo-Medrol?
21	A. No.
22	Q. Why not?
23	A. I don't know.
24	Q. You don't know. You just didn't do it or
25	you can't remember why you didn't do it?



conversation around the coffee pot or the water -- or 1 2 water fountain or --3 Α. I don't know where it was. It was just at 4 the desk probably in the PACU. 5 Q. Okay. So as I understand it, at some point 6 in 2012 -- can you remember approximately when in 7 2012? 8 Α. Probably June, July, somewhere in there. 9 So approximately June, maybe July of 0. Okay. 10 2012, Dr. Lister approached you and said he had read 11 about concerns of adverse reactions to the 12 preservative in Depo-Medrol; correct? 13 Α. Yes. 14 And he asked you at that time to 0. 15 investigate whether you could obtain preservative-free 16 MPA; is that correct? 17 Α. Yes. 18 Did he instruct you at that time to 0. 19 start ordering preservative-free MPA? 20 He instructed me to see if I could find if Α. 21 it was available. 22 Q. Okay. And so what did you do next? 23 I told him I had went to a FASCA conference Α. 24 and there was a vendor there, NECC, that we had used

previously, and that they were advertising that they



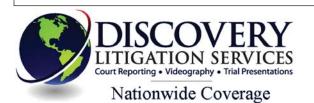
1	Q. And what materials did he give you at that
2	time?
3	A. He give me NECC's pamphlet on the company,
4	what medications was available and what stipulations
5	they had to produce drugs.
6	Q. Okay. Describe to me what you mean by
7	stipulations.
8	A. Okay. They said they followed the USP 797
9	compliance. They had pharmacists that was highly
10	qualified in compounding medication under sterile
11	conditions. They had a Tennessee license. That's
12	about all I remember.
13	Q. Okay. I'm going to hand you documents
14	collectively that I'm going to mark as Exhibit 101.
15	I'm going to ask you to look through these and my
16	question is: Do you recognize these documents?
17	(Exhibit 101 was marked for
18	identification.)
19	THE WITNESS: They're out of order,
20	but, yes, I do.
21	Q. (By Mr. Stranch) Okay. Can you tell me
22	what these documents are.
23	A. This is the information that Mario left me
24	when he come by that day about the NEC Compounding
25	Company.



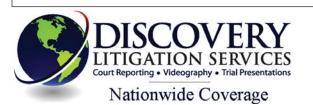
1	Q. Okay. When you say NEC, it's actually
2	NECC; correct?
3	A. Yes.
4	Q. Okay. Just want to make sure we're talking
5	about the same company.
6	If you'll turn over to SSC-00014, please,
7	these are their materials on Depo-Medrol; correct?
8	A. Yes.
9	Q. What did you do with these materials when
10	you received them?
11	A. I told Mario at that time that I would have
12	to review this with Dr. Lister and the Calishers and
13	get back to him.
14	Q. Okay. And did you usher him out of the
15	room then?
16	A. To my knowledge, he just left.
17	Q. Y'all didn't go out to lunch or do anything
18	like that?
19	A. No.
20	Q. Okay. And when did you then speak to Dr.
21	Lister or the Calishers about these materials?
22	A. It might I don't remember. Maybe the
23	next day I showed Dr. Lister the pamphlet.
24	Q. Okay.
25	A. And that was it.



1	Q. At that time did Dr. Lister instruct you to
2	go ahead and order the preservative-free MPA?
3	A. No. He wanted me to make sure that the
4	company had a license.
5	Q. Okay.
6	A. And to follow up with the Calishers and
7	that's what I did.
8	Q. Okay. Do you remember approximately on
9	what day it was that Mario came by and dropped these
10	off?
11	A. July the 10th or 11th, one of them. I'm
12	not sure.
13	Q. Okay. And when did you conduct your
14	investigation into whether NECC had a license and the
15	other issues that Dr. Lister asked you to look into?
16	A. I reviewed the pamphlet. Ask that question
17	again.
18	Q. Okay. Let me back up real quick.
19	When you said that Mario came and dropped
20	these off on July 10th or 11th, that's 2012; correct?
21	A. Correct.
22	Q. And after you met with Mr with Dr.
23	Lister, which would have been the next day, you
24	believe; correct?
25	A. Uh-huh (affirmative). I think so.



1	Q. Dr. Lister instructed you to do an
2	investigation into whether they were licensed in
3	Tennessee; correct?
4	A. Yes.
5	Q. Did he ask you to look into anything else
6	on NECC other than whether they were licensed in
7	Tennessee?
8	A. Like I say, he asked me if they was
9	licensed and to review the information and talk to the
10	Calishers.
11	Q. Okay. And so if we assume that Mario came
12	to see you on July 10th, you would have met with Dr.
13	Lister on the 11th; correct?
14	A. Best to my knowledge. I don't remember
15	exactly.
16	Q. And would you then on the 11th have
17	conducted the investigation into whether they're
18	licensed and all that?
19	A. When I reviewed the pamphlet, I just went
20	down their where it says company overview, I went
21	down that list.
22	MR. GIDEON: Jean, give him that
23	number.
24	Q. (By Mr. Stranch) What's the Bates number?
25	A. 0008.



1	Q. Okay. Thank you. Where are we here?
2	A. On 0008 and 0009, I went over the overview,
3	equipment, the personnel, then commitment to quality.
4	And when I seen USP 797 compliant, I went online, I
5	pulled that information. Then I called Mario back,
6	asked him if he had a license and he delivered the
7	license well, he come by seems like he come by
8	the next day and left the license and stuff with
9	Diane. I was circulating a case that day so I did not
10	get to see him.
11	Q. Okay. And so in doing the due diligence
12	that Dr. Lister asked you to perform, you reviewed
13	their sales materials and asked Mario to give you a
14	copy of their license to do business in the state of
15	Tennessee; correct?
16	A. Yes, correct.
17	Q. Did you go to the Tennessee Department of
18	Health with any questions about NECC?
19	A. No.
20	Q. Did you go to the board of pharmacy and ask
21	any questions about NECC?
22	A. No.
23	Q. Did you do any Google searching on NECC?
24	A. No.
25	Q. So after you completed review of their



VIDEOGRAPHER: Here begins Tape No. 2
in the deposition of Jean Atkinson. We're
back on the record and the time is
10:43 a.m.
Q. (By Mr. Stranch) Okay, Ms. Atkinson,
before the break, we were discussing Specialty
Surgery's order of preservative-free MPA from NECC;
correct?
A. Correct.
Q. You testified that you had discussions with
Mario about that purchase and NECC's qualifications;
correct?
A. Yes.
Q. Did you have discussions with anyone else
at NECC at any point?
A. Not that I can remember.
Q. Did you meet anyone else from NECC at any
point?
A. No.
Q. Did you ever go to Massachusetts to view
their go facilities?
A. No.
Q. Did you e-mail with anyone else at NECC
other than Mario?
A. Not that I remember.



1	Α.	Yes.
2	Q.	And who is Kim Bowlin?
3	А.	She was our I'm not sure Kim's title. I
4	think she	was the administrator at that time.
5	Q.	Okay. And what was your title in July of
6	2012?	
7	A.	Director of nursing.
8	Q.	Okay. And did Kim do any investigation of
9	NECC befor	e placing an order with them?
10	A.	No.
11	Q.	Would that have been your job
12	responsibi	lity at Specialty Surgery?
13	A.	What?
14	Q.	Any investigation of NECC, would that have
15	been wo	uld you have been the only person at
16	Specialty	Surgery who would have been tasked with
17	investigat	ing NECC before placing an order with them?
18	A.	I initially started it and then consulted
19	the Calish	ers.
20	Q.	Okay. And no one else at scratch that.
21		No other employees of SC of Specialty
22	Surgery wo	uld be tasked with undertaking that
23	investigat	ion through their normal job duties;
24	correct?	
25	Α.	Yes.



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- A. They could have. They could not.
- Q. But you didn't know of anyone that did.

  Can you identify one person that was scheduled at the time you filled this out to receive five shots?
  - A. No.
  - Q. Okay. So did you order five units for each one of these people so that you could get the amount of MPA that you needed into the facility?
    - A. Yes.
  - Q. So it wasn't because these people were definitively going to get five shots. It's because that's the amount the facility needed; correct?
  - A. That is hard to predict, I mean, really and truly. Probably every patient would not have got all five -- all five Depo-Medrols.
    - Q. Okay.
    - A. But they could have.
  - Q. And so the purpose in writing prescriptions for all five was not because each one of these patients would need all five, but instead was because the facility needed that amount of Depo-Medrol; correct?
    - A. Yes.
- Q. Okay. Was any of the -- was any of the MPA



1	used from NECC on these two order forms Exhibit 93 and
2	94 injected into patients whose names do not appear on
3	these order forms?
4	A. I cannot say that unless I review the
5	charts.
6	Q. How many approximately how many patients
7	of Specialty Surgery were injected with NECC MPA?
8	A. I think around 170.
9	Q. And there's not 170 people on these two
10	order forms, are there?
11	A. Correct.
12	Q. So there are definitely people not on the
13	order forms who received shots of MPA from NECC;
14	correct?
15	A. Some of these patients did receive two to
16	three shots of the preservative-free steroid.
17	Q. Ms. Atkinson, I'd like you to pay attention
18	to my question because I think we're talking past each
19	other.
20	There are approximately 170 people who
21	received shots of MPA from NECC at Specialty Surgery;
22	correct?
23	A. Yes.
24	Q. There are not 170 patient names on



Exhibit 93 and 94, are there?

1	A. Correct.
2	Q. So there are people who received shots of
3	MPA from NECC at Specialty Surgery who did not
4	whose names do not appear on these forms; correct?
5	A. That's possible.
6	Q. It is correct, isn't it?
7	A. It's possible.
8	MR. GIDEON: She just answered the
9	question.
10	Q. (By Mr. Stranch) Let's turn to SSC-00030.
11	This is the invoice confirming this prescription list
12	for 120 units of MPA preservative-free; correct?
13	A. Yes.
14	Q. And SSC-00031 is a packing slip; correct?
15	A. Yes.
16	Q. And you received a packing slip like this
17	with both orders from NECC; correct?
18	A. Yes.
19	MR. STRANCH: Let me have just
20	30 seconds real quick.
21	Q. (By Mr. Stranch) I want to talk with you a
22	little bit about the division of your job
23	responsibilities between you and Calisher to make sure
24	that we're very clear on what you consider to be your

responsibility and what you consider to be Calisher's



1	responsibility; okay?
2	A. Yes.
3	Q. What did you consider to be Calisher's
4	responsibility as it relates to pharmaceutical to
5	new vendors?
6	A. To for they we would find a
7	vendor. We would go to Calishers, tell them the
8	vendor's name, what we needed to order and they would
9	decide whether we ordered from them or not.
10	Q. Okay. And so you would provide your due
11	diligence materials in picking the vendor to Calisher
12	and then Calisher would do their own separate
13	investigation before allowing the new vendor; correct?
14	A. Yes.
15	Q. And did Calisher also do continuing
16	investigation of current vendors to make sure that
17	they're still up to the requirements of Specialty
18	Surgery for use as a vendor?
19	A. I have no idea.
20	Q. Did you view that as being your
21	responsibility?
22	A. No.
23	Q. No. Did you think that Calisher was taking
24	care of that?



MR. GIDEON:

25

She just answered it as

1	I have no idea. I object to the
2	repetition.
3	MR. STRANCH: Okay.
4	Q. (By Mr. Stranch) Who did you think was
5	doing that?
6	A. The management.
7	Q. And who is the management?
8	A. Calisher & Associates.
9	Q. Okay. If there was a payroll problem,
10	would that be an issue you would deal with or would
11	that be dealt with by Calisher?
12	A. Calishers.
13	Q. Would someone come to you would one of
14	your nurses come to you with it and you would forward
15	it on to Calisher or would they be instructed to go
16	directly to Calisher?
17	A. If there was a payroll issue, they would go
18	to Kim Bowlin.
19	Q. Okay. And when someone went to Kim, that
20	was the same thing as going to Calishers; correct?
21	A. Yes.
22	Q. Did you have a written document that you
23	were given that outlined when you were to send stuff
24	to Calishers and then when you were to handle it on
25	vour own?



your own?

1	Q. So would and if you look again at
2	Exhibit 94, it says in the directions, steroid
3	epidural; correct?
4	A. Yes.
5	Q. So are you aware of a single person in the
6	time you've worked at NECC if we reviewed the accurate
7	medical records you're requried to maintain by law
8	that would have received five epidural steroid
9	injections of MPA in a 180-day time frame?
10	A. No.
11	MR. STRANCH: We're going to break
12	for lunch now.
13	MR. GIDEON: Five minutes, ten, an
14	hour, what do you want?
15	MR. STRANCH: My size, you need more
16	than five minutes.
17	MR. GIDEON: Just tell us what time
18	to be back.
19	MR. STRANCH: Why don't we just say
20	an hour, 12:45.
21	VIDEOGRAPHER: We're off the record.
22	This is the end of Tape No. 2. The time is
23	11:44 a.m.
24	(A lunch recess was taken at 11:44
25	a.m. and the deposition reconvened at 12:50

